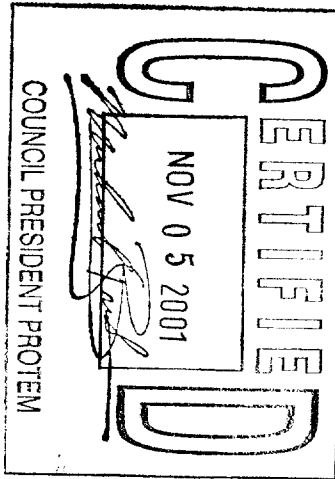


Entered - 07-09-01 - sb
CL - 01L0435 ALEXIS HOLMES

CLAIM OF: **MARY E. MCMILLAN**
2299 Polar Rock Drive
Atlanta, Georgia 30315

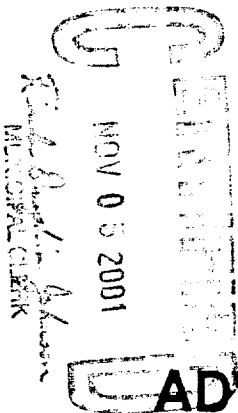
01- R-1759

For vehicular damages alleged to have been sustained as a result of a
vehicle accident on May 19, 2001 at 2805 Cardo Drive.



THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



APPROVED NOV 05 2001

ADVERSE REPORT

COMM: Public Safety

DATE: 10/30/01

V-CHAIR: C. G. Thompson

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

November 13, 2001

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Mary E. McMillan
2299 Polar Rock Drive
Atlanta, GA 30315

01-R-1759

Dear Ms. McMillan:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 05, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0435

Date: 10/15/01

Claimant /Victim MARY E. MCMILLAN

BY: (Atty)(Ins.) _____

Address: 2299 Polar Rock Avenue Atlanta, Georgia 30315

Subrogation: _____ Claim for Property damage \$ 725.00

Bodily Injury \$ _____

Date of Notice: 7/09/01

Method: Written, proper X

Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X

Ante Litem (6 Mo.) _____

Date of Occurrence 5/19/01

Place: 2805 Cardo Drive

Department Police

Division: FOD

Employee involved Officer Tesler

Disciplinary Action: None taken

NATURE OF CLAIM: The claimant alleges that she sustained property damages when her fence was struck by a suspect who was eluding police, the suspect exited his vehicle and failed to put the vehicle in gear causing it to roll into the claimant's fence. An investigation determined that the police officer was not in violation of City policies and/or procedures. The City is immune from liability as set forth under O.C.G.A. § 36-33-1 and § 36-33-3. Furthermore, the City is not responsible for the tort actions of third parties.

INVESTIGATION:

Statements: City employee _____ Claimant X Other X Written X Oral X

Pictures _____ Diagrams X Reports: Police X Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 10/16-01

Committee Action: _____ Council Action _____

RCS# 3222
11/05/01
3:31 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 15

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1591
01-O-1696
01-O-1698
01-O-1712
01-R-1595
01-R-1786
01-R-1793

CONSENT

11/05/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-1703
2. 01-O-1671
3. 01-O-1664
4. 01-R-1667
5. 01-R-1729
6. 01-R-1745
7. 01-R-1777
8. 00-R-0820
9. 01-R-1682
10. 01-R-1782
11. 01-R-1706
12. 01-R-1708
13. 01-R-1709
14. 01-R-1730
15. 01-R-1746
16. 01-R-1791
17. 01-R-1748
18. 01-R-1749
19. 01-R-1750
20. 01-R-1751
21. 01-R-1752
22. 01-R-1753
23. 01-R-1754
24. 01-R-1755
25. 01-R-1756

**ITEMS ADVERSED ON
CONSENT AGENDA**

26. 01-R-1757
27. 01-R-1758
28. 01-R-1759
29. 01-R-1760
30. 01-R-1761
31. 01-R-1762
32. 01-R-1763
33. 01-R-1764
34. 01-R-1765
35. 01-R-1766
36. 01-R-1767
37. 01-R-1768
38. 01-R-1769
39. 01-R-1770
40. 01-R-1771
41. 01-R-1772
42. 01-R-1773
43. 01-R-1774
44. 01-R-1775
45. 01-R-1776